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SENATE BILL 2726 By
Person

HOUSE BILL 3203
By McMillan

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 5, Part 1, relative to the practice of dentistry.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-5-107(c)(1), is amended by deleting the punctuation "." at the end of the first sentence of the subdivision and by adding the following:

; provided, however, that commencing January 1, 2003, in lieu of the annual continuing education requirement, each person licensed as a dentist or dental hygienist in accordance with this chapter is required to attend and complete during each two-year cycle (except for the two-year cycle of initial licensure) such number of hours of board-approved continuing education courses as are prescribed by the board, subject to a minimum of thirty (30) and a maximum of sixty (60) clock hours.

SECTION 2. Tennessee Code Annotated, Section 63-5-108(a)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(a)

(1) Diagnoses, prescribes for or treats any disease, pain, deformity, deficiency, injury, disorder, and/or condition of the oral cavity, maxillofacial area, and/or the adjacent and associated structures and their impact on the human body. Such diagnosis and treatment may include the use of a complete or limited physical evaluation of patients by a board eligible or board certified oral and maxillofacial surgeon or a resident in an approved oral and maxillofacial surgery program practicing in a hospital setting;

SECTION 3. Tennessee Code Annotated, Section 63-5-108(a)(5), is amended by inserting the words "and maxillofacial" between the word "oral" and the word "surgery".

SECTION 4. Tennessee Code Annotated, Section 63-5-108(a)(13), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(a)

(13) Uses the words, "Dentist," "Dental Surgeon," "Oral Surgeon," "Oral and Maxillofacial Surgeon," or the letters "D.D.S.," "D.M.D.," or any other words, letters, title or descriptive matter which in any way represents the person as being able to diagnose, treat, prescribe or operate for any disease, pain, deformity, deficiency, injury, disorder, and/or condition of the oral cavity, maxillofacial area and/or the adjacent and associated structures, and their impact on the human body;

SECTION 5. Tennessee Code Annotated, Section 63-5-108(c), is amended by inserting the following between the third and fourth sentences of the subsection:

The board is authorized to permit licensed and registered dental hygienists and registered dental assistants to insert, pack, carve and finish amalgam and intracoronal nonmetallic restorations and take final impressions for fixed and removable prosthetic appliances, and the board may establish such criteria and curricula as it determines in its

discretion are necessary or appropriate to ensure that such hygienists and assistants are qualified to perform such procedures.

SECTION 6. Tennessee Code Annotated, Section 63-5-108(c), is further amended in subdivision (2) by inserting the words and punctuation "except hereinabove provided" between the words "on teeth" and the punctuation ";".

SECTION 7. Tennessee Code Annotated, Section 63-5-108(f), is amended by adding the following at the end of the subsection:

Any dental facility in which general anesthesia, deep sedation or conscious sedation is administered by such dentist is subject to standards as may be specified in rules and regulations of the board.

SECTION 8. Tennessee Code Annotated, Section 63-5-108, is amended by adding the following as a new subsection (a) and by redesignating the subsequent subsections including those subsections amended in Sections 2 through Section 7 of this act accordingly:

(a) Dentistry is defined as the evaluation, diagnosis, prevention and/or treatment (nonsurgical, surgical or related procedures) of diseases, disorders and/or conditions of the oral cavity, maxillofacial area, and/or the adjacent and associated structures and their impact on the human body, provided by a dentist, within the scope of his/her education, training and experience, in accordance with applicable law.

SECTION 9. Tennessee Code Annotated, Section 63-5-109(8), is amended by deleting the punctuation and word "; provided," and by substituting instead the following:

, a licensed and registered dental hygienist under the direct supervision of a licensed and registered dentist or a registered dental assistant under the direct supervision of a licensed and registered dentist; provided,

SECTION 10. Tennessee Code Annotated, Section 63-5-109, is further amended by adding the following as a new subdivision (13):

(13) Dentists or dental hygienists duly licensed in other states practicing within authorized Tennessee department of health programs, or programs affiliated with the Tennessee department of health for a period not to exceed twenty-four (24) months.

SECTION 11. Tennessee Code Annotated, Section 63-5-110, is amended by adding the following as new subsection (b) and by redesignating the subsequent subsections accordingly:

(b) The board is authorized to cause a license to be issued to an applicant of good moral character and professional competence who is licensed to practice dentistry in another state (which shall include the District of Columbia or a territory of the United States) if the board determines to its satisfaction that the applicant meets all of the following requirements:

(1) Currently holds a valid license to practice dentistry in another state and provides a copy of such license, and also provides the names of another state in which the applicant is or has been licensed;

(2) Absence of any pending disciplinary charges or action in another state or any current investigation by a disciplinary authority of another state, and provides pertinent information about any disciplinary action imposed against the applicant in any other state, which the board is to evaluate and determine whether such is disqualifying for licensure in this state;

(3) Has not failed previously an examination for licensure to practice dentistry in Tennessee;

(4) Graduation from a dental school or college duly accredited by the American Dental Association Commission on Dental Education;

(5) Demonstrates intent to actively practice or teach in Tennessee;

(6) Has, pursuant to the authority of a state dental licensing board(s):

(A) Practiced dentistry in another state or states for at least five (5) years; or

(B) Taught in an American Dental Association accredited institution for at least five (5) years; or

(C) Any combination of (A) or (B) for at least five (5) years; or

(D) Practiced dentistry for at least two (2) years in another state or states and, in addition, presents satisfactory evidence of passing an examination administered by another state substantially equivalent to the examination required for initial licensure in Tennessee, the appropriateness of such examinations to be evaluated and determined by the board; or

(E) Taught for at least two (2) years in an American Dental Association accredited institution, and, in addition, presents satisfactory evidence of passing an examination administered by a regional testing agency or a clinical board examination administered by another state substantially equivalent to the examination required for initial licensure in Tennessee, the appropriateness of such examination to be evaluated and determined by the board; or

(F) Any combination of (D) or (E) for at least two (2) years; and

(7) Payment of a nonrefundable application fee as set by the board.

SECTION 12. Tennessee Code Annotated, Section 63-5-111(a)(2), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(a)

(2) The board shall recognize a certificate granted by the American Dental Association's Commission on National Board Dental Examinations and

may accept the results of its own board examination or the results of an examination conducted by one (1) or more of the regional testing agencies.

SECTION 13. Tennessee Code Annotated, Section 63-5-112, is amended by deleting items (1) through (8) in their entirety and by substituting instead the following:

(1) Dental Public Health: The science and art of preventing and controlling dental diseases and promoting dental health through organized community efforts. It is that form of dental practice which serves the community as a patient rather than the individual. It is concerned with the dental health education of the public, with applied dental research and with the administration of group dental care programs as well as the prevention and control of dental diseases on a community basis.

(2) Endodontics: The branch of dentistry concerned with the morphology, physiology and pathology of the human dental pulp and periradicular tissues. Its study and practice encompass the basic and clinical sciences including biology of the normal pulp, the etiology, diagnosis, prevention and treatment of diseases and injuries of the pulp and associated periradicular conditions.

(3) Oral and Maxillofacial Pathology. The specialty of dentistry and discipline of pathology that deals with the nature, identification, and management of diseases affecting the oral and maxillofacial regions. It is a science that investigates the causes, processes, and effects of these diseases. The practice of oral pathology includes research and diagnosis of diseases using clinical, radiographic, microscopic, biochemical or other examinations.

(4) Oral and maxillofacial Surgery: The specialty of dentistry which includes the diagnosis, surgical and adjunctive treatment of diseases, injuries and defects involving both the functional and esthetic aspects of the hard and soft tissues of the oral and maxillofacial region.

(5) Orthodontics and Dentofacial Orthopedics: The area of dentistry concerned with the supervision, guidance, and correction of the growing or mature dentofacial structures, including those conditions that require movement of teeth or correction of malrelationships and malformations of their related structures and the adjustment of relationships between and among teeth and facial bones by the application of forces and/or the stimulation and redirection of functional forces within the craniofacial complex. Major responsibilities of orthodontic practice include the diagnosis, prevention, interception and treatment of all forms of malocclusion of the teeth and associated alterations in their surrounding structures; the design, application and control of functional and corrective appliances; and the guidance of the dentition and its supporting structures to attain and maintain optimum occlusal relations in physiologic and esthetic harmony among facial and cranial structures.

(6) Pediatric Dentistry: The age-defined specialty that provides both primary and comprehensive preventive and therapeutic oral health care for infants and children through adolescence, including those with special health needs.

(7) Periodontics: The specialty of dentistry which encompasses the prevention, diagnosis and treatment of diseases of supporting and surrounding tissues of the teeth or their substitutes and the maintenance of the health, function and esthetics of these structures and tissues.

(8) Prosthodontics: The branch of dentistry pertaining to the restoration and maintenance of oral functions, comfort, appearance and health of the patient by the restoration of natural teeth and/or the replacement of missing teeth and contiguous oral and maxillofacial tissues with artificial substitutes.

(9) Oral and Maxillofacial Radiology: the specialty of dentistry and discipline of radiology concerned with the production and interpretation of images and data produced

by all modalities of radiant energy that are used for the diagnosis and management of diseases, disorders and conditions of the oral and maxillofacial region.

(10) Any other branch of dentistry hereafter recognized and approved by the board. In considering or acting upon matters related to specialists or special areas of dentistry, the board shall utilize as consultants one (1) or more knowledgeable persons certified in the applicable specialty or knowledgeable in the special area.

SECTION 14. Tennessee Code Annotated, Section 63-5-121, is amended by redesignating the existing language as subsection (a) and by deleting the language and punctuation ", hospital or any health maintenance organization," and by substituting instead the language and punctuation "or hospital,".

SECTION 15. Tennessee Code Annotated, Section 63-5-121, is further amended by adding the following as new subsection (b):

(b) In the event that a dentist is deceased or becomes substantially disabled, the estate or agent of such dentist may employ other dentist(s) for a period of not more than two (2) years to provide services to patients until the practice can be sold or otherwise disposed of or closed.

SECTION 16. Tennessee Code Annotated, Section 63-5-123, is amended by deleting the section in its entirety and by substituting instead the following:

Section 63-5-123.

(a) All sole proprietor dentists (dentists who conduct a practice and who do not have a partner or replacement), dentists serving in the national guard and dentists employed as professors or teachers by any college, school or institution of higher learning shall be exempt from service as jurors in any of the courts.

(b) Dentists other than sole proprietors shall only be exempt from the initial summons to jury duty service by any of the courts if, upon receipt of such summons, dentists notify the clerk of the court issuing the summons, informing

the clerk of a seven-day period such dentist will be available to serve as a juror, within the next twelve-month period from the date of the summons. Such dentist shall only be required to serve on one (1) jury during the seven-day period.

SECTION 17. Tennessee Code Annotated, Section 63-5-124(b), is amended by adding the following at the end of the subsection:

The board may, upon a finding of probable cause, require a dentist, dental hygienist or dental assistant to complete drug and/or alcohol treatment through a program designated by, or contracting with, the board. The board in its discretion is authorized to share information, interviews, reports, statements, memoranda or other data at the program director's request. Information shared between the board and the program director shall be deemed not to violate laws requiring confidentiality of investigations or peer review records protected under §63-5-131.

SECTION 18. This act shall take effect on July 1, 2002, the public welfare requiring it.